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DATE FILED: 6/22/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEATRICE BAMISHILE-RICHARDS and
OLUWAFISAYO MESHIOYE,

Plaintiffs,

- against -

OLUBUNMI ADEOLA AKINTOYE, et al

Defendants.
-----X

21-CV-5264 (PAE) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

The Court is entering on ECF the attached email received by Chambers on June 17, 2022. In the email, Defendants express their desire to defend this case. Accordingly, by **June 27, 2022**, Plaintiff shall file a letter response addressing the effect of the email, if any, with respect to the default holding entered on March 31, 2022 (see Dkt. 53).

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: June 22, 2022
New York, New York

From: [Bala Yakubu](#)
To: [Lehrburger NYSD Chambers](#)
Subject: Re: Civil case No: 1.21-cv-5264-PAE
Date: Monday, June 20, 2022 6:22:33 AM

CAUTION - EXTERNAL:

Dear sir,

I am Olalekan Abiodun a qualified solicitor and counsel in the supreme court of Nigeria. The purpose of this email is in respect of the above captioned Civil case number, pursuant to the instructions of the Defendants we write to this Honourable Court.

The Defendant in the above captioned suit number is a Client of Our Law Chambers (BALA OMAR YAKUBU & CO) in Nigeria. We have had the opportunity to handle different cases on behalf of the Defendant in Nigeria. Your Honour, the Plaintiffs in the above captioned suit has instituted the workings of the Nigerian Judicial system against the Defendants on the same Subject-matter and against the same parties. The Plaintiffs firstly, have submitted a petition to the submitted a petition to the office of the Commissioner of police Lagos State and also to the Economic and Financial Crimes Commission here in Nigeria. We are aware that every step taken by the plaintiffs in Nigeria were done after the case had been instituted before your Honourable Court.

The Defendants are desirous of defending the suit against the plaintiffs, as it is our brief that the monies being claimed by the plaintiffs have been restored in full and it is the exorbitant, illegal and outrageous interest directly imposed by the plaintiffs that the plaintiffs claim before the Honourable Court. The Plaintiffs borrowed to the 1st Defendant the total sum of N 198,000,000 (One Hundred and Ninety-Eight Million Naira) between the years 2018-2020, the Defendant has refunded the total sum of N 233,000,000 (Two Hundred and Thirty-three Million Naira). Your Honour, it is also our brief that the business transaction was executed in Nigeria and we believe this case is subject to the Nigerian Judicial System, as We so pray the Honourable Court.

Your Honour, it is highly germane that we highlight that the said transactions were executed in Nigeria and as such it is our position, that this case should be subject primarily to the Nigerian Judicial System, in which the Plaintiffs on the other hand have solely and suo motu instituted the workings of the Nigerian Judicial system against the 1st Defendants resting on the Claims and prayers and against the same parties. Your Honour, a judgment or proceeding with trial against the Defendants will lead to double Jeopardy as the plaintiffs are confused ab initio of their claims and the court to properly institute this matter they also have no tangible claim against the Defendants.

Your Honour, the 1st Defendant has refunded to the Plaintiffs all monies advanced to the 1st Defendant with not less than 35% interest(proof of all payments shall be evidenced at trial).

Your Honour it is our believe that the Plaintiff has resulted in instituting this action in the absence of the Defendant knowing fully well the Defendant is in Nigeria attending to her health and family here in Nigeria and therefore may obtain the Default Judgment in the absence of the Defendant.

Your Honour, the absence of the Defendant in the United States of America since the month

of March, 2022 has caused the unavoidable delay in the Defendant's case. The Defendant is desirous of defending the case against and pray the Honourable Court for a further adjourned date in November, 2022 to show cause and defend this suit against the Defendants.

We are most obliged.

Thank you

Olalekan Abiodun (Esq)

On Sat, Jun 18, 2022, 1:42 AM Bala Yakubu <yakububalalawfirmng@gmail.com> wrote:

Dear sir,

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Your Honour, it is highly germane that we highlight that the said transactions were executed in Nigeria and as such it is our position, that this case should be subject primarily to the Nigerian Judicial System, in which the Plaintiffs on the other hand have solely and suo motu instituted the workings of the Nigerian Judicial system against the 1st Defendants resting on the Claims and prayers and against the same parties. Your Honour, a judgment or proceeding with trial against the Defendants will lead to double Jeopardy as the plaintiffs are confused ab initio of their claims and the court to properly institute this matter they also have no tangible claim against the Defendants.

Your Honour, the 1st Defendant has refunded to the Plaintiffs all monies advanced to the 1st Defendant with not less than 35% interest(proof of all payments shall be evidenced at trial).

Your Honour it is our believe that the Plaintiff has resulted in instituting this action in the

absence of the Defendant knowing fully well the Defendant is in Nigeria attending to her health and family here in Nigeria and therefore may obtain the Default Judgment in the absence of the Defendant.

Your Honour, the absence of the Defendant in the United States of America since the month of March, 2022 has caused the unavoidable delay in the Defendant's case. The Defendant is desirous of defending the case against and pray the Honourable Court for a further adjourned date in November, 2022 to show cause and defend this suit against the Defendants.

We are most obliged.

Thank you

Olalekan Abiodun (Esq)

CAUTION - EXTERNAL EMAIL: This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.